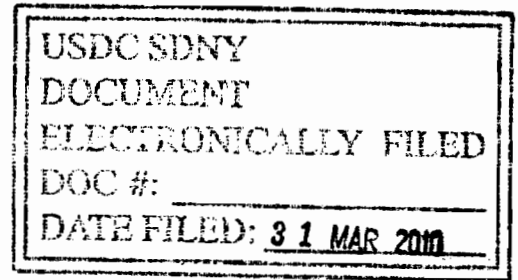


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
LEVITON MANUFACTURING CO., INC.,

Plaintiff,

-against-

GREENBERG TRAURIG LLP, PAUL J.
SUTTON, BARRY G. MAGIDOFF, and CLAUDE :
R. NARCISSE, :

Defendants.
----- X

ORDER
09 cv 8083 (GBD)

GEORGE B. DANIELS, District Judge:

Defendants' motion to dismiss Plaintiff's claims of litigation misconduct (counts 1-3), because the claims are not ripe for adjudication, is denied.

Defendants' motion to dismiss Plaintiff's claims of malpractice in patent prosecution (counts 4-8), on the ground that they are barred by the statute of limitations, is denied without prejudice.

Defendants' motion to dismiss Plaintiff's equitable claims (counts 9-11), is granted since the claims are duplicative of Plaintiff's malpractice claims.

Defendants' motion for a stay pending outcome of Leviton Mfg. Co. Inc., v. Universal Security Instruments, Inc. and USE Electric, Inc., Appeal No. 2009-1421, currently before the United States Court of Appeals for the Federal Circuit is denied.

Dated: March 31, 2010
New York, New York

SO ORDERED:

GEORGE B. DANIELS
United States District Judge